LPRSA CPG – NJDEP Meeting Summary
Thursday, November 29, 2012

Name	Title
NJDEP Attendees	
Jay Nickerson	LPR Case Manager (SRP/BCM)
Negib Harfourche	Env. Engin. 3 (principal) (BAP/ER/Air)
Janine MacGregor	Proj. Coordinator (SRP)
David Risilia	Proj. Manager (SRP/ODST)
Suzanne Dietrick	Chief (SRP/ODST)
Joel A. Pecchioli	Research Scientist I (SRP/ODST)
Anne Hayton	Technical Coordinator (SRP)
Bob Kettig	Section Chief (Air)
Bill Kuehne	Supervisor (Air)
Steve Maybury	Bureau Chief, Case Management
CPG Attendees	
Stan Kaczmarek	Proj. Director (dmi)
Roger McCready	Proj. Manager (CH2M-Hill)
Robert Law	Proj. Coordinator (dmi)
Jim Brinkman	Design Manager (CH2M-Hill)
Bill Potter	Proj. Coordinator (dmi)

I. Overview of RM 10.9 Removal Action Project

CPG distributed data and a Removal Area figure that characterized the RM 10.9 sediments. The sediment data specifically compared RM 10.9sediments to Tierra Phase I sediments. The absence of volatiles (e.g. chlorobenzene) in RM 10.9 sediments was questioned by NJDEP and confirmed by CPG. The source of PCBs at both RM 10.9 and Phase I was also questioned since it is the only component where there are similarities between the sites, and it was postulated that PCB's have multiple sources throughout the LPR watershed and the NY-NJ Harbor. It was agreed that PCB concentrations are not a significant concern for RM 10.9 sediments.

CPG distributed a flow diagram for how the sediments from the RM 10.9 area are to be managed, highlighting the need for 4 main contracts: dredging and barge transportation, stabilization of dredged sediments and disposal of dredged water, landfilling of stabilized sediment and removed debris, and capping of underlying sediments in the RM 10.9 removal area.

NJDEP stated that the in-river actions can qualify for permit equivalents whenever permits would normally be required because that is an area covered by federal CERCLA regulations, but that actual permits or permit modifications may be needed at established commercial facilities that may be utilized to stabilize the RM 10.9 sediments.

II. Air Permitting Issues – Passaic River

NJDEP noted that the lack of volatiles in the sediments and the use of standard dredge equipment may not trigger a need for air permits or permit equivalents. NJDEP requested that CPG share their calculations on Potential to Emit (PTE) for sediment COPCs and PTE for combustion products if any regulated equipment such as generators will be used in the dredging operations (CPG indicated that none are expected). NJDEP Air Permitting will then discuss this with NJDEP Air Enforcement staff to give CPG a final determination.

The only air-related concern that NJDEP can foresee while dredging at RM 10.9 is odor management. CPG noted that the sediments that have been sampled and stored from this area do not exhibit any significant odors, and none are really expected since these are fresh water rather than marine sediments. Still CPG indicated that it is considering installing air monitors in the adjacent Park just to provide assurances that if any odors are detected, they can be identified and quantified. NJDEP thought that this step would help assure the community that all steps are being taken to address their safety. CPG indicated that air monitoring plans would be in the Community Health and Safety Plan and that NJDEP input will be sought to develop those plans.

III. Air Permitting Issues – Stabilization Facilities

NJDEP stated that there are two options available to the stabilization facilities identified for processing the RM 10.9 sediments:

- Apply for a new permit, or
- Apply for a permit modification for a new activity to be covered under their existing permits.

Existing permits (with which NJDEP has 10 years of experience), are limited to the processing of navigation maintenance sediments dredged from New York and New Jersey Harbors, not for managing environmental dredge sediments such as those from from the Passaic River. Either option could require an 180 day review and processing period within NJDEP. What would help shorten that period is sharing the approach, assumptions and models used to calculate PTE. If those can be provided in January, NJDEP thought that would give them enough time to set up all approvals before the planned dredge start dates in June 2013. If PTE is low and below permitting thresholds (e.g. potential exposure risk is $< 10^{-6}$), then NJDEP's ability to issue or modify permits quickly will be enhanced.

NJDEP warned against the use of extremely conservative assumptions (i.e. unrealistic assumptions) when air modeling. These indicate a risk that does not really exist, but then has to be explained. NJDEP encouraged the CPG to discuss their modeling approach with NJDEP while developing the permit application packages. In addition, the identification of emission factors and subsequent controls for every step of the stabilization process will also decrease NJDEP's processing time. It was noted that the absence of air emission controls at the Tierra UPF created concerns within NJDEP.

NJDEP suggested that CPG and NJDEP put a schedule together for the air permitting process so that each would have similar expectations.

IV. Surface Water Issues – RM 10.9 Removal Area

CPG noted that there should be no discharge of water to the Passaic River from dredge operations. NJDEP indicated that would eliminate the need for permitting for surface water

V. Surface Water Issues – Stabilization Facilities

CPG indicated that water contained in the barge will be decanted and sent to a commercial wastewater treatment facility, likely out-of-state. NJDEP requested that CPG ensure that such facilities verify that accepting this water is allowed under their existing NPDES permits with an emphasis on dioxin.

VI. Solid Waste, and Dredging and Stabilization Technology Issues

NJDEP indicated that the commercial stabilization facilities will need to show that RM 10.9 sediments can be processed with 8% (or 10%) Portland Cement, and the resulting material would require TCLP testing CPG indicated that such testing is planned, and questioned if it was acceptable to use sediments currently in storage that were collected in mid-2012 and that are sitting in drums in our storage facility, or if new sediments need to be tested. CPG will develop a testing plan in consultation with the stabilization facilities.

NJDEP asked if the landfill facilities will also need tests on processed sediments. CPG indicated that the sediments will be disposed of at Subtitle C landfills and the facilities under consideration have asked for more TCLP testing of the sediments themselves, but did not indicate a need for additional post-stabilization testing. NJDEP suggested that in their experience post stabilization tests may be necessary

NJDEP indicated that any stabilization facility that processes both NY-NJ navigation maintenance and RM 10.9 sediments will need to segregated the two and then decontaminate their equipment once the project is completed to prevent impacts on "acceptable use determinations" already provided for the navigation maintenance sediments they will subsequently process.

CPG indicated that debris removed from RM 10.9 area will also be disposed in the selected Subtitle C landfill. NJDEP confirmed that dredge materials, including debris, is exempt from Solid Waste Management rules.

VII. Capping and Soil Standards

NJDEP indicated that where the cap meets the shore line, that residential soil standards should be met. CPG indicated that it can share results with NJDEP from the shore line sampling that occurred in the summer of 2012.

VIII. Bathymetry

NJDEP asked if additional bathymetry work is planned. CPG indicated that there will be a pre-dredge and post-dredge bathymetry survey of the removal area.

IX. Noise and Community Impacts

NJDEP reminded CPG to be cognizant of local noise ordinances from dredging operations, and to post signage to provide needed information and warnings to the community. NJDEP indicated that ODST would probably address some of these concerns through the AUD process.

X. Ongoing NJDEP Interactions

NJDEP requested a single hard copy of the Pre-Final Design Report when it is available.

CPG indicated that they are preparing a Response to Comment (RTC) document covering all the NJDEP comments forwarded to them from EPA, and that the RTC table would be posted with the Pre-Final Design Report on EPA's SharePoint site.

Air: The Air Office requested that a complete package be submitted to assist with air permit revisions and that for the Stabilization Facilities it include 4 components:

1. Radius Application
2. Site Map
3. Emission Calculations
4. Equipment Process Flow Diagrams

Tidelands: In order to determine potential ownership of the river bottom at RM 10.9, CPG should send to NJDEP (Dave of SRP/ODST) the lot and block number of adjacent properties so he can make inquiries. Dave can also provide an interface with the Tidelands Commission for CPG.

Other ARARs: NJDEP indicated that they can also provide interface between CPG and other regulatory agencies. Specifically, Dave of SRP/ODST could help guide interactions with:

- Fish and Wildlife Services
- NJ Historical Preservation Office

- National Marine Fisheries Service
- NOAA

CPG will manage TSCA, US Army Corps of Engineers and Coast Guard ARARs.

SRP/ODST will be the contact for the following;

- Waterfront Development Law and Land Use and Coastal Zone Management
- Tidelands Act
- New Jersey Soil Erosion and Sediment Control Act
- Flood Hazard Area Control Act
- Surface Water Quality - because of WQC required for dredging operations

Flood Hazard – CPG might need to do HEC2 modeling to show the cap will not cause increase flooding due to the roughness of the cap.

NJDEP welcomed open communication and direct contact with the various permitting leads in order to ensure the permitting process goes as smoothly as possible. NJDEP also indicated that permit submittals be complete and easy to review in order to ensure a timely review period.